

REMARKS

Submission of Abstract

An Abstract is submitted as part of this Amendment/Response. The Abstract is nearly identical to the Abstract of published PCT Patent Application WO 00/63251 (patent application PCT/NL00/00253) to which priority is claimed and which has been incorporated by reference. The Abstract has been slightly shortened from the original to stay within the 150 word limit, the deleted material not being a part of what is being claimed in the instant divisional application. In view of the fact that all the text in the presently submitted Abstract was in the Abstract of the parent application, it is urged that the Abstract adds no new matter.

Submission of Figure 8

A copy of Figure 8 is submitted herewith together with a petition under 37 C.F.R. 1.182 and the fee required under 37 C.F.R. 1.17(h). According to the PTO this Figure 8 was not submitted with the application papers. Applicants urge that Figure 8 was filed with the application papers submitted 23 July 2003 and enclose a copy of the postcard submitted with those papers and returned by the U.S. PTO with a barcode sticker indicating the serial number for the application, the postcard (as well as the Application Transmittal Letter submitted 23 July 2003) indicating that 14 pages of drawings were submitted.

Additionally, Applicants urge that Figure 8 was a part of the application as filed on 23 July 2003 because this application was filed as a divisional application together with a Preliminary Amendment which inserted language on page 1, at line 2, which included the continuing data claiming priority to the various parent applications and including the sentence, "All of the foregoing applications are hereby incorporated herein by reference in their entirety." The "foregoing applications" include, e.g., U.S. Application No. 09/719,961 and International Application No. PCT/NL00/00253, both of which include the Figure 8 which the PTO states was lacking from the filed papers of the present application. Because of the incorporation by reference, it is urged that the present application as filed did in fact include Figure 8 regardless of whether the page showing Figure 8 was missing from the papers as filed.

Solely because the PTO indicates that Figure 8 is lacking from the file, a copy of Figure 8 is submitted herewith with a request that it now be added to the application file so that the PTO

has a complete copy of the application as Applicants urge it was filed. It is further requested that the filing date of 23 July 2003 be accorded to this application.

Submission of the Sequence Listing and Related Papers

A Sequence Listing in both paper and CRF has been submitted together with a statement under 37 C.F.R. 1.821(f). The actual sequences submitted are identical to the DNA and amino acid sequences presented in the parent applications. The format differs slightly from the parent cases because the presently submitted Sequence Listing was prepared using PatentIn version 3.2 and the originally filed Sequence Listing for the parent PCT application was prepared using PatentIn version 1.30. The presently filed Sequence Listing adds one bit of matter not present in the originally filed Sequence Listing, this being that the sequences are for material from Homo sapiens. This is a requirement for PatentIn version 3.2 and was not required for PatentIn version 1.30. Nonetheless, this is not new matter. The fact that the two sequences were for Homo sapiens is found in the patent application. See, e.g., the description of Figure 3B found on page 23, lines 6-14, or the text on page 24, lines 14-22.

AMENDMENT TO THE SPECIFICATION

It is requested that the Sequence Listing shown on pages 38-41 of the patent application be deleted since it is duplicative of the Sequence Listing submitted herewith. Because the same information is provided in the newly submitted Sequence Listing, it is urged that this deletion of material from the patent application does not raise an issue of new matter. Please note that the Sequence Listing in the originally filed papers appears in two places. It is first on pages 38-41 of the Application and it appears a second time as pages 1-4 of a separate Sequence Listing. Both of those original Sequence Listings are to be deleted to be replaced solely by the instantly filed Sequence Listing which contains the identical sequences as originally filed but in an updated format.

In view of the submissions herewith, it is urged that the Application is complete including an Abstract, a Sequence Listing, and Figure 8. The Examiner is requested to telephone the undersigned if necessary to expedite examination and allowance of this Application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Stephen A. Saxe", written over a horizontal line.

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